

1 Q Did Ms. Lutz ever tell you that she was giving you
2 this exhibit, RB/PB Exhibit No. 1, as a joke?

3 A No, she did not.

4 Q Did she say that she was not serious about the
5 things that she put in the document?

6 A She did not say that.

7 Q Did Ms. Lutz inform you that she was giving this
8 to you so that you intentionally would not accept it?

9 A No, she did not.

10 Q Did you have any understanding that this was a
11 legitimate effort on her part to negotiate with you a
12 management contract?

13 A Mr. Romney, could you state that --
14 I misunderstood -- state that again for me, please.

15 Q When you received this document, were you under
16 the impression before you read it that she was attempting to
17 give you back a document over which you could negotiate?

18 A Yes.

19 Q I would ask you to turn to page 5 of RB/PB Exhibit
20 No. 1.

21 A I'm there.

22 Q Paragraph VII. Do you see that, sir?

23 A Yes, I do.

24 Q What is it that Ms. Lutz asked as part of the
25 compensation to herself under this agreement?

1 A I'll read it. "In addition to the above-mentioned
2 monies being distributed as described above, the licensee
3 will receive a third week, 40 hours, of vacation time for
4 the remainder of the license length of employment with the
5 agent."

6 Q Thank you. Just above that, under VI,
7 subparagraph B, Profits, would you read the last sentence,
8 please, for the record?

9 A Yes, sir. The last sentence is "This amount shall
10 be retained by DLB with the exception as follows, which
11 shall be distributed to licensee on a quarterly basis in the
12 amount of \$300 per month plus 1 percent of the quarterly
13 profits from the operation of this station."

14 Q I believe that's "the station," just as a
15 correction. Is that correct?

16 A Oh, "the station." Yes, "the station."

17 Q Now, did the document that you gave Ms. Lutz for
18 her review contain this \$300 per month plus 1 percent of the
19 quarterly profits from the operation of the station as part
20 of the compensation?

21 A No, it did not.

22 Q Did your proposed document that you gave to
23 Ms. Lutz for her consideration contain an additional third
24 week of 40 hours of vacation time?

25 A It did not.

1 Q Did you accept this agreement, RB/PB Exhibit

2 No. 1?

3 A I received it and then I did not honor it.

4 Q You didn't sign it, did you?

5 A I did not sign it.

6 Q To your knowledge, Ms. Lutz never signed it?

7 A To my knowledge, she did not sign it.

8 Q You were asked some questions about the time that
9 you spent at the office since the time of your official
10 retirement on November 15, 1998. Is that correct?

11 A That's correct.

12 Q You're down at the office most every day. Is that
13 right?

14 A Almost every day, in and out. After the end of
15 November of this last year, I may be in there one or two
16 days a week, maybe even one, but most of the time, I'm not
17 there.

18 Q Have there been some of the projects that you've
19 worked on while you've been there during this time since
20 your retirement such as the DART project?

21 A Yes, projects -- they've been working on and
22 carrying on those.

23 Q In your mind, even though you're retired, would
24 you believe it possible for people to think that, by golly,
25 the guy never left?

1 A Yes. I would say that.

2 Q To your understanding, however, do you believe
3 you've curtailed some of your responsibilities since the
4 time of your retirement?

5 A Yes, sir. A large percent.

6 Q And those are the things that you discussed with
7 Ms. Lancaster?

8 A That's correct.

9 Q There was discussion about the 1995, 1996
10 timeframe when consideration was being given regarding this
11 potential large customer which resulted in the exploration
12 of the T-band system which is part of the things we're hear
13 discussing in this particular action by the FCC.

14 Do you recall the testimony that you gave about
15 that, sir?

16 A Yes, sir.

17 Q Now, you were asked about a committee of managers,
18 management and things that were done in the business.

19 Who was principally responsible at DLB for looking
20 into this issue of the T-band and the expansion of the
21 T-band system?

22 A For licensing and expanding?

23 Q Yes.

24 A That was my responsibility.

25 Q So even though these matters may have been

1 discussed with others, you were the one that pretty much
2 took the ball and ran with it on that issue?

3 A Yes, sir.

4 Q Now, throughout the timeframe of the negotiations
5 or the dealings with the FCC, who at DLB has had primary
6 responsibility for working on FCC licensing issues?

7 A With the petition and everything else, they have
8 stopped. There is no one working on licensing or anything.

9 Q You're talking about the Net Wave petition?

10 A Yes, sir.

11 Q Prior to that, who at the company had the
12 responsibility for the FCC licensing or coordinating with
13 the FCC?

14 A That was mine.

15 Q You had the principal responsibility for working
16 with the FCC?

17 A Yes.

18 Q And in connection, sir, with this enforcement
19 action that has arisen out of that Net Wave petition, who at
20 DLB has had primary responsibility for coordinating with the
21 attorneys and counsel in this case?

22 A That was mine.

23 Q And you continue to do that today?

24 A Yes, sir. I continue to do that today.

25 Q And you continue to work on any of the things that

1 have been pertaining to this FCC licensing issues that have
2 been talked about or worked over in this particular
3 enforcement action?

4 A Yes, sir.

5 Q Let me take you back to the Sumpters' license
6 issues, the questions that were asked you about that.

7 First off, do you or Pat have access to the mail
8 of any of the Sumpter family members?

9 A No.

10 Q Do you receive their mail?

11 A No. We do not.

12 Q Do you receive Jennifer Hill's mail?

13 A No.

14 Q To your knowledge, did you or Pat ever receive
15 original copies from the FCC of any dealings with the
16 license for Jennifer Hill?

17 A No.

18 Q To your knowledge, did you or Pat ever receive
19 original mailings from the FCC pertaining to Norma, Jim or
20 Melissa's licenses?

21 A No.

22 Q Prior to 1996, these applications that are issue
23 here in this enforcement action pertaining to Jim, Norma,
24 Melissa and Jennifer Hill, you've already given testimony
25 about prior licenses that Norma had. Do you recall that

1 testimony, sir?

2 A Yes, sir.

3 Q Prior to 1996, did you ever have any discussions
4 with Mr. Jim Sumpter about his making an application for an
5 FCC license?

6 A No.

7 Q Prior to 1996, had you ever had any discussions
8 with Melissa Sumpter about making an application for an FCC
9 license?

10 A No.

11 Q Prior to 1996, had there ever been any discussions
12 that you were a party to with Jennifer Hill, or Jennifer
13 Sumpter, as she was known back then, pertaining to her
14 obtaining an FCC license of any kind?

15 A No.

16 Q To your knowledge, had anybody at DLB talked with
17 either Jim Sumpter, Melissa Sumpter or Jennifer Hill, also
18 formerly known as Jennifer Sumpter, prior to 1996, had
19 anybody at DLB ever talked with any of those three people
20 about obtaining a license with the FCC?

21 A No.

22 Q Are you categorically sure, sir, that there was
23 never an application by Melissa Sumpter for an FCC license
24 that you asked her to go in on prior to 1996?

25 A I'm sure of it.

1 Q How about for Jennifer Hill? Are you sure that
2 there was never a time prior to 1996 that you talked to
3 Jennifer Hill or implied to Jennifer Hill or had anything to
4 do with Jennifer Hill making any sort of an application to
5 the FCC?

6 A I'm sure.

7 Q How about Jim Sumpter? Is your answer the same
8 for that?

9 A Same for Jim Sumpter.

10 Q On these licenses that were applied for in 1996 on
11 behalf of Jim Sumpter, Norma Sumpter, Melissa Sumpter and
12 Jennifer Hill, sir, did you receive any of the original mail
13 from the FCC regarding any of those licenses, to your
14 knowledge?

15 A No. We did not.

16 Q Did you have any knowledge of whether Pat received
17 any at either her address, at your house, or at the
18 business, DLB? Any mailings from the FCC pertaining to the
19 license of Jim, Norma, Melissa or Jennifer Hill?

20 A We did not.

21 Q Did you receive from any of those individuals,
22 Jim, Norma, Melissa or Jennifer Hill, mailings that they had
23 received pertaining to FCC licenses?

24 A Yes, we did.

25 Q Okay. Would you explain to the Court how you

1 would receive those?

2 A In our monthly or twice a month mailings back and
3 forth for the work itself, Norma would call and talk most of
4 the time to Pat, you know, did you want us to mail this
5 stuff we got from FCC, did you want it mailed to us or could
6 she put it in the package coming to us next week or this
7 week or whatever.

8 And that was -- Pat was telling her no use doing
9 that, it can come in our package. Either we'd pick it up or
10 they would have it -- you know, sent to us.

11 Once it arrived, Pat at that time was the only one
12 opening mail. No one was allowed to open up the company
13 business that come from the accountant.

14 Q You're talking about the pouch, as it were, that
15 came from the accountant?

16 A The pouch. Yes, sir.

17 Q And the accountant was Jim Sumpter at that time?

18 A Yes.

19 Q Nobody else had permission to open that company
20 business pouch from Jim Sumpter other than Pat?

21 A Other than Pat and if Pat wasn't there, Diane
22 could.

23 Q Okay. Did you ever open the thing?

24 A No.

25 Q To your knowledge, did David ever open the thing?

1 A Never opened it.

2 Q Continue, please.

3 A Once it was there, and we had already been
4 notified that something was coming from either PCI, FCC, or
5 any kind of coordination that was coming to us that the
6 Sumpters had received and Norma always let her know ahead of
7 time how she wanted it be handled, sent to her or what. And
8 it came to us without the envelopes, just the Xerox copy of
9 whatever was sent. If we got the license, it was a Xerox
10 copy. If it was the -- everything else is always Xerox
11 copy.

12 Q To your knowledge, did you ever receive the
13 original license for Jim Sumpter's station?

14 A Did not.

15 Q To your knowledge, did you personally ever see or
16 receive the original copy of the license Norma's station?

17 A Did not.

18 Q To your knowledge, did you ever see or receive the
19 original copy of the T-band license on Melissa's station?

20 A Did not.

21 Q To your knowledge, did you ever see or receive the
22 original copy of the license on Jennifer Hill's station?

23 A Did not.

24 Q You were asked a question this morning by
25 Ms. Lancaster about the Sumpter stations and you said that

- 1 Jim's station is still operating? Is that correct?
- 2 A That's correct.
- 3 Q Jennifer's is still operating?
- 4 A That's correct.
- 5 Q Is Norma's?
- 6 A No.
- 7 Q Is Melissa's?
- 8 A No.
- 9 Q Why?
- 10 A Norma had called Susan and said that she wanted
- 11 the stations -- hers and Melissa's station to be turned off.
- 12 Q Do you recall when that call took place?
- 13 A 2/7, 2/10, along through there, of 1997.
- 14 Q And how did you receive that information, sir?
- 15 A Sue informed me.
- 16 Q And did you do anything once you got that
- 17 information?
- 18 A Once I got that information, I called Norma to
- 19 confirm it.
- 20 Q And you had a personal conversation with Norma?
- 21 A I had a personal conversation with Norma.
- 22 Q Tell the Court what happened.
- 23 A Norma at that time instructed me to turn her
- 24 station, Norma's station, and Melissa's station off.
- 25 Q Did she say why?

1 A No. She did not. And I asked her, is there any
2 particular reason and she said, no, just turn it off.

3 Q Did you do it?

4 A Yes.

5 Q And, to your knowledge, was it ever turned back
6 on?

7 A No.

8 Q Either of those stations?

9 A Neither of those two stations.

10 (Pause.)

11 MR. ROMNEY: I apologize, Your Honor. I'm just
12 trying to make it short.

13 JUDGE STEINBERG: Take your time.

14 (Pause.)

15 BY MR. ROMNEY:

16 Q I want to go back to some of those previous
17 licenses that Norma had, please, for a few minutes.

18 Mr. Brasher, I believe you testified that Norma
19 had an 800 system license. Is that correct?

20 A The Sumpters had an 800 license through GE, on the
21 GE system. I don't know if it was Norma or the accounting
22 firm. One of the two had one license there.

23 Q What kind of a license was that?

24 A It would be a user license on the trunking system
25 that GE had.

1 Q This was not a channel license?

2 A No, just a user license.

3 Q At the time that this license was held by the
4 Sumpters, tell us what the loading was on the 800 system
5 that DLB was working.

6 A The 800 system that GE owned was a complete
7 system. We helped even load it by selling radio equipment
8 for GE because they were not in the business. They acquired
9 the channel from a takeback from one of their dealers.
10 Everybody in the community who was a GE dealer could load
11 and sell on that and that's how they did that. They
12 required the license and everything from the people we
13 turned on that system.

14 Q Who is they? You said they required.

15 A GE did. Sorry.

16 MS. LANCASTER: Move to strike the prior answer
17 before Mr. Romney interrupted as being unresponsive.
18 I never did the answer to the question, Your Honor.

19 JUDGE STEINBERG: Would you ask the question
20 again?

21 BY MR. ROMNEY:

22 Q Was the 800 system completely loaded? Was the DLB
23 800 system loaded at the time of this Sumpter license or is
24 that even an appropriate question?

25 A That's not an appropriate question.

1 Q Tell me why.

2 A It was a GE system which the licenses were a trunk
3 system for GE, which the Sumpters were on. Now, the license
4 carried over. Their internal document carried over when we
5 bought the system. We did not have -- it was fully loaded
6 to capacity. Fully loaded.

7 Q It was completely loaded to capacity when you
8 bought the system?

9 A Yes, sir.

10 Q And this was prior to the Sumpters ever getting a
11 user license on that system?

12 A No, they were there whenever we obtained the
13 system.

14 Q So they were already on the system before you
15 bought it?

16 A Yes, sir.

17 Q So at the time they got their license, that wasn't
18 any financial benefit for DLB.

19 A No.

20 JUDGE STEINBERG: Okay. Now, you're talking about
21 1996.

22 MR. ROMNEY: No, sir. We're talking about 1985.

23 JUDGE STEINBERG: Oh, their user license.

24 MR. ROMNEY: Their user license on the 800 system.

25 Yes, sir.

1 JUDGE STEINBERG: I'm sorry. I got confused.

2 Okay.

3 Did you understand that's what Mr. Romney was
4 talking about?

5 THE WITNESS: I did, Your Honor.

6 JUDGE STEINBERG: Okay. So I'm the only one that
7 was confused.

8 MR. ROMNEY: If the Court is unclear --

9 JUDGE STEINBERG: No, no, no. I've got it now.

10 MR. ROMNEY: Okay.

11 JUDGE STEINBERG: Because you said license and
12 I jumped up to '96, rather than referring back to the user
13 licenses. But it's clear in my head now.

14 MR. ROMNEY: I'm just trying to clarify some of
15 those issues in case there are any questions for Your Honor.

16 BY MR. ROMNEY:

17 Q And then you testified that there was another user
18 license that was held by Norma on the 900 system?

19 A Yes, sir. On the 900 system.

20 Q Okay. Do you remember what timeframe we're
21 talking about?

22 A Close to '90 -- and I keep thinking '89, along
23 through there, whenever they started getting some -- a need
24 of a license on the 900.

25 Q At the time Norma got the user license on the 900

1 system, would you explain to the Court whether or not you
2 already had enough slots filled to have exclusive use of
3 those channels?

4 A Yes, we did. In '89 and '90. Yes, sir. '91,
5 along through there. Yes.

6 Q Is it fair to say, then, that Norma's acquisition
7 of this 900 user license in approximately 1989 or 1990 was
8 of no financial benefit for DLB?

9 A No benefit to us at all.

10 Q Is it fair to say, sir, that the first time there
11 was any --

12 MS. LANCASTER: Your Honor, I'm going to object to
13 the leading nature of these series of questions. About the
14 last three questions have given the answer to Mr. Brasher
15 that he was trying to elicit from Mr. Brasher and I would
16 object to that.

17 JUDGE STEINBERG: See if you can do it without
18 leading because this is not really an adverse in quotes
19 cross-examination, but since there was no objection,
20 I didn't see the need to interrupt.

21 BY MR. ROMNEY:

22 Q Prior to the 1996 discussions with the Sumpters
23 about the T-band applications that you testified at length
24 here to, were any of the discussions had with Norma Sumpter
25 to obtain any FCC licenses prior to those T-band licenses,

1 did any of those have the purpose of enriching DLB or
2 helping DLB's business in any way?

3 MS. LANCASTER: Object, Your Honor. That's still
4 leading.

5 JUDGE STEINBERG: Give it another shot.

6 BY MR. ROMNEY:

7 Q Was DLB benefitted by any of the licenses held by
8 Norma Sumpter prior to the 1996 T-band licenses?

9 JUDGE STEINBERG: He can answer. It's not
10 leading.

11 THE WITNESS: No.

12 BY MR. ROMNEY:

13 Q You mentioned that you sold the 800 system in your
14 testimony to some of the questions from Ms. Lancaster.

15 Do you recall that testimony, sir?

16 A Yes, sir.

17 Q Do you recall how much approximately that was sold
18 for, that 800 system?

19 A In excess of 400,000.

20 Q And how much had been paid for that?

21 A 40,000.

22 Q And when you sold that, what all did you sell?

23 A We sold the repeaters, the customers list and all
24 the equipment to operate, spare parts and everything.

25 Q Did the Sumpters have any knowledge of the dollar

1 amounts that you received on that?

2 A Yes, sir.

3 Q How about Ms. Lutz, to your knowledge?

4 A Yes, sir. She would.

5 Q Did you ever have any discussions with any of the
6 Sumpters, Norma or Jim, regarding the potential
7 profitability of radio systems?

8 A Yes, sir. With the 800, the civil 800, Jim was at
9 that time a very important part of it. He designed how the
10 equipment with the fleet calls, he's an accountant, how the
11 division of the funds would be done and processed into the
12 company, so much for goodwill, so much for the equipment and
13 stuff like that, as a tax advisor to us. Jim Sumpter did
14 that through his accounting firm.

15 Q Now, did you have to do any sort of a
16 non-competition agreement when you sold the 800 system?

17 A That's correct. We signed a five-year,
18 non-compete in the 800 megahertz category.

19 Q Were you permitted under the terms of that
20 agreement to go into any other sort of system?

21 A It did not restrict us from the 900s or anything
22 else.

23 Q Explain to the Court when you started to get into
24 the 900 system.

25 A About 19 -- after the 800 was sold, we needed to

1 get into the 900 and I'm going back in memory, it was right
2 after that which was '88, '89, along through there, whenever
3 the frequency was available. What we did to obtain
4 frequency, we went through at that time the lottery system.

5 Q Were you successful in getting new channels?

6 A Yes, we were. We received a 10-channel system in
7 San Antone and a 10-channel in St. Petersburg, Florida.

8 Q For non-Texans, San Antone is San Antonio, Texas?

9 A Yes, sir. San Antone, Texas.

10 JUDGE STEINBERG: Home of the USAA and the Alamo.

11 MR. ROMNEY: Yes, sir.

12 BY MR. ROMNEY:

13 Q Did you ever construct those two channels?

14 A No, sir. They were turned back to the FCC.

15 Q What happened next in the construction of this 900
16 system?

17 A Close to home, 900s were available and then that's
18 where we started obtaining frequencies in our names and
19 started building the system up.

20 Q How were they available?

21 A Applied for it and they just -- you just applied
22 for it and they were granted.

23 Q Who did you use to help you on this as far as
24 getting the applications submitted?

25 A I think the first part -- and I have to -- I'm

1 trying to go back by memory, it could have been the last
2 part of Josie Lynch at NABER and then Josie I think left
3 NABER and John Black was also at GE when we bought the
4 system and he left GE and I think he was in private business
5 himself.

6 Q Explain to the Court who Josie Lynch is and what
7 is NABER? That's an acronym, I take it?

8 JUDGE STEINBERG: NABER is N-A-B-E-R.

9 THE WITNESS: Josie Lynch was an employee of GE
10 whenever the 800 was there, but she was here in Lynchburg --
11 yes, Lynchburg, where GE headquarters was. She was an
12 employee of GE at that time and she handled all the
13 applications for GE and then once somewhere along the line
14 GE was trying to get out of owning repeaters systems and
15 that's one reason we got the one we got --

16 BY MR. ROMNEY:

17 Q You're talking about the 800 system that you
18 bought around 1985?

19 A Yes, sir.

20 Q Okay.

21 A And after that, she did some 900 work for me. She
22 did the auction for me.

23 Q For the 900 system?

24 A For the 900. And then she helped me in some 900
25 there.

1 Q Now, who is John Black?

2 A John Black is Spectrum Analyzer's owner, I would
3 think. I think he's a one-man ownership there. He worked
4 with GE for a while and then I think he went out on his own
5 in the license preparation business.

6 Q And what services did you use from Mr. Black over
7 the years?

8 A Applying for a license and market research, what
9 channels were available, how we could get it. He printed
10 stuff for me off his computer system.

11 Q Well, explain to the Court what kind of
12 information you could get from Mr. Black about license
13 research.

14 A We could get the complete customers list by
15 frequency. You'd get a telephone number, you get the number
16 of mobiles, you get the address, you get almost everything
17 about the customer.

18 JUDGE STEINBERG: Your customers or everybody's
19 customers?

20 THE WITNESS: Everybody's customers. Just by
21 paying a fee to like John Black or anyone like him and he
22 would get in his computer bank and go through an
23 organization that accumulated all this.

24 JUDGE STEINBERG: So if you got that big account
25 for this large company you're talking about and you needed

1 the Allen, Texas coverage, correct?

2 THE WITNESS: Yes, sir.

3 JUDGE STEINBERG: So somebody could go to John
4 Black and say we want the customer list of the people using
5 these repeaters, the DLB repeaters in Allen, Texas?

6 THE WITNESS: No, it would only give you DLB, it
7 would not give you the individual customers on there.

8 BY MR. ROMNEY:

9 Q It's a list, then, of the license holders.

10 A The license holders. List of the license holders.

11 JUDGE STEINBERG: So when you said customers, it
12 was -- you misspoke or you meant licensees.

13 THE WITNESS: Licensees. Yes, sir.

14 BY MR. ROMNEY:

15 Q And to what use would you put this information
16 that Mr. Black gave you about the license holders of the
17 various frequencies?

18 A What you would do there, and sometimes you gave
19 him criteria as to what you wanted, you give him longitude
20 and latitude.

21 Q Would you give the Court an example, please?

22 A Yes. You would take, for example, Allen and you
23 knew what the longitude and latitude was. In Dallas on the
24 T-band system, you have 40 miles away from a certain site
25 and if it's not a license within there, you could get

1 exclusive use of that license.

2 If it was someone within that 40 miles and it only
3 had 12 units, you would not want to apply for it, so you
4 would kind of weed it out and you look for something you can
5 get exclusives on.

6 So you used a 40-mile range and once you set the
7 longitude and latitude into his computer, then make a circle
8 out 40 miles, then he could give you the customers who were
9 in that area.

10 Q You don't mean customers, you mean license
11 holders.

12 A License holders in that area. Then you take a
13 listing of all the FCC frequencies that could be assigned
14 and you weed out the ones that have been assigned and look
15 for the ones that have not and that is the category you
16 start looking for.

17 Q So by a process of elimination of who has a
18 license you can kind of determine what frequencies might be
19 available?

20 A Correct.

21 Q Now, when it came time to start looking at a
22 T-band system, did you contact Mr. Black?

23 A Yes.

24 Q And what kind of research did you perform?

25 A John Black performed the same -- just what

1 I described. He went through and made a computer listing
2 based upon what was assigned for Allen and then from there
3 by calculation we looked at what was available. And at that
4 time, whenever we looked at the Allen location, there was
5 109 frequencies available from Allen at 40 miles with
6 exclusive, that you could get exclusive. So you could get
7 109 channels if you wanted to at that time.

8 Q And when you say exclusive, is that a term of art
9 in the radio frequency business?

10 A Yes, sir.

11 Q Explain that to the Court, please.

12 A What that means is with 40 miles and 90 units, no
13 one else should be licensed within that range.

14 Q You said 90 units, you're talking 90 -- what are
15 you talking about?

16 A Ninety mobiles. I'm sorry. Ninety mobiles.

17 Q So when you're trying to get an exclusive
18 frequency, what do you have to have to get an exclusive?

19 A You have to have from that longitude and latitude
20 40 miles clearance and 90 mobiles and that license should
21 not be duplicated within that 40-mile circle.

22 Q Now, I want to go back and clean up some issues.

23 DLB still has a 900 system, correct?

24 JUDGE STEINBERG: Could I ask if you've come to a
25 convenient time --

1 MR. ROMNEY: This is fine, Your Honor.

2 JUDGE STEINBERG: Okay. Let's break for lunch and
3 we'll make it 1:20.

4 (Whereupon, at 12:10 p.m., a recess was taken.)

5 //

6 //

7 //

8 //

9 //

10 //

11 //

12 //

13 //

14 //

15 //

16 //

17 //

18 //

19 //

20 //

21 //

22 //

23 //

24 //

25 //

A F T E R N O O N S E S S I O N

(1:20 p.m.)

JUDGE STEINBERG: Back on the record.

Mr. Romney?

MR. ROMNEY: Thank you, Your Honor.

Whereupon,

RONALD BRASHER

having been previously duly sworn, was recalled as
a witness herein and was examined and testified further as
follows:

CROSS-EXAMINATION (RESUMED)

BY MR. ROMNEY:

Q Mr. Brasher, before we broke for lunch, we were
discussing some matters of your testimony that you have been
giving.

Let me ask you this. In 1996 prior to obtaining
any T-band channels or anything, would you tell the Court
the type of repeater service that DLB was offering to the
public at that time?

A At that time, it was 900 frequencies through the
900 system prior to the T-band. And that's the type of
system we was offering at that time.

Q About how many customers would you say you had on
that 900 system?

A Mobiles, let's say mobiles because customers have